

STANDING CHAPTER 13 TRUSTEE ALEJANDRO OLIVERAS RIVERA  
REPORT OF ACTION TAKEN  
MEETING OF CREDITORS

In re:

DIANA FALCON DIAZ

Case No. 14-07279-MCF

Chapter 13

Attorney Name: MIGUEL ANGEL SERRANO URDAZ\*

<b>I. Appearances</b> <table style="width: 100%;"> <tr> <td style="width: 30%;">Debtor</td> <td style="width: 30%;"><input type="checkbox"/> Present</td> <td style="width: 40%;"><input checked="" type="checkbox"/> Absent</td> </tr> <tr> <td>Joint Debtor</td> <td><input type="checkbox"/> Present</td> <td><input type="checkbox"/> Absent</td> </tr> <tr> <td>Attorney for Debtor</td> <td><input checked="" type="checkbox"/> Present</td> <td><input type="checkbox"/> Absent</td> </tr> <tr> <td colspan="3"><input type="checkbox"/> Prose</td> </tr> <tr> <td colspan="3"><input type="checkbox"/> Appearing:</td> </tr> </table>	Debtor	<input type="checkbox"/> Present	<input checked="" type="checkbox"/> Absent	Joint Debtor	<input type="checkbox"/> Present	<input type="checkbox"/> Absent	Attorney for Debtor	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent	<input type="checkbox"/> Prose			<input type="checkbox"/> Appearing:			<table style="width: 100%;"> <tr> <td style="width: 50%;">Date &amp; Time:</td> <td>12/18/2014 1:15:00PM</td> </tr> <tr> <td><input type="checkbox"/> R</td> <td><input checked="" type="checkbox"/> NR LV:</td> </tr> <tr> <td colspan="2"><input checked="" type="checkbox"/> This is debtor(s) 2 Bankruptcy filing.</td> </tr> <tr> <td colspan="2">Creditors:</td> </tr> <tr> <td colspan="2" style="border: 1px solid black; height: 100px; vertical-align: top;"> <div style="border-bottom: 1px solid black; padding: 2px;">none</div> </td> </tr> </table>	Date & Time:	12/18/2014 1:15:00PM	<input type="checkbox"/> R	<input checked="" type="checkbox"/> NR LV:	<input checked="" type="checkbox"/> This is debtor(s) 2 Bankruptcy filing.		Creditors:		<div style="border-bottom: 1px solid black; padding: 2px;">none</div>	
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<b>II. Oath Administered</b> <div style="display: flex; justify-content: space-between;"> <span><input type="checkbox"/> Yes</span> <span><input checked="" type="checkbox"/> No</span> </div>																										
<b>III. Plan</b> Date: 09/02/2014      Base: \$54,000.00    Payments 0 made out of due.  Confirmation Hearing Date: 2/5/2015 9:00:00AM  Evidence of Pmt shown:																										
Attorney's fees as per R. 2016(b) \$3,000.00 - \$150.00 = \$2,850.00																										
<b>IV. Status of Meeting</b> <div style="display: flex; justify-content: space-between;"> <span><input type="checkbox"/> Closed</span> <span><input checked="" type="checkbox"/> Not Held</span> <span><input type="checkbox"/> Held/Continued</span> </div> <input type="checkbox"/> Held/Not Closed  <input type="checkbox"/> Continued  Continued Date:  Comments:																										
<input checked="" type="checkbox"/> M.T.D. to be filed by Trustee: Debtor(s) failed to: <input checked="" type="checkbox"/> Appear: <input checked="" type="checkbox"/> Commence payments <input type="checkbox"/> Keep payments current <input type="checkbox"/> does (do) not qualify as a debtor (§109): <input type="checkbox"/> MTD Already filed, see Docket: <input type="checkbox"/> Other:																										

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(Cont.)

Trustee's Report on Confirmation

☐ FAVORABLE

☐ UNFAVORABLE

- ☐ Feasibility
- ☐ Insufficiently funded
- ☐ Unfair discrimination
- ☐ Fails disposable income
- ☐ Fails liquidation value test
- ☐ Insuarence quote

- ☐ No provision for secured creditor(s)
- ☐ Tax returns missing
  - ☐ State - years
  - ☐ Federal - years

Pending/Items/ Documents:

- ☐ DSO Recipient's Information
- ☐ Evidence of being current with DSO
- ☐ Evidence of income

- ☐ Monthly reports for the months
- ☐ Public Liability Insurance
  - ☐ Premises
  - ☐ Vehicle(s):
  - ☐ Licenses issued by:

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Trustee's objection to confirmation

☐ Objection to Confirmation

☐ Oral objection by creditor

Counsel is present and informs that debtor could not be present since she is sick. He requested a continuance, however, I informed that debtor is in arrears (2 months) with her chapter 13 plan, thus, the meeting cannot be continued.

Trustee will file motion to dismiss.

The presiding notes the following in case case does not get dismissed:

Debtor needs to clarify why SOFA line 4 disclose a cause of action by Scotiabank against Mr. Ruben Claudio Lozada.

Debtor has or had a dba Hogar Maria Santisima clarify. If this is her business debtor need to provide all documentation related to the business. (IVU, Patente, Bomberos), if she still operating this business.

Need evidence of income if debtor operates a business.

Debtor needs to clarify whether income disclosed at Schedule I is from business operation or rent

SOFA 1 does not disclose business income, also, line 18 does not disclose business information. ( if debtor operates a business)

Note: Previous case 11-00244 was dismissed since debtor was unable to make current post petition mortgage payment to Scotiabank.

Plan is insufficiently funded to pay secured and priority creditors.

SCMI was filed without any income.

Debtor needs to clarify why she assumed a lease from her own dba.

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Debtor is using d11A for cause of action against Costco( for injury) Trustee to object since it does not apply. This section is for "an award under a crime victim's reparation law".

As per lease contract provided, debtor is leasing her property and/or business "Hogar de Ancianos" to her daughter with a monthly income of \$3,000. This contract is not signed by either party. Schedule "I" lists \$2,200. To clarify.

Schedule "G" does not list any existing contract. Plan provides for the assumption of a lease "Hogar Maria Santisima". Debtor needs to clarify if business was transferred to her daughter. There is no information in Sofa, item #18. Schedule "I" discloses debtor as currently unemployed; receiving social security benefits and "other" income that appears to be rent. This income from rent has not been disclosed in SOFA, item #2.

Cause of action against Costco needs to be disclosed in SOFA, item #4.

Debtor needs to include income from rent and/or business in SCMI. If debtor is currently receiving \$3,000 from rent, this may change her ACP from 3 yrs. to 5 yrs. and it might have an impact in line 59.

The following party(ies) object(s) confirmation:

s/Pedro R Medina

Trustee/Presiding Officer

Date: 12/18/2014

(Rev. 05/13)